

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion, is respectfully requested.

Claims 37-40, 48-51, 59-62, and 97-106 are pending in the present application, Claims 37-40, 48-51, 59-62, and 97-106 having been amended. Support for the present amendment is found, for example, in Applicants' Figs. 2, 3, 4, and 15.

In the outstanding Office Action, Claims 37-40, 48-51, 59-62, and 97-106 were rejected under 35 U.S.C. §1.112, first paragraph; Claims 37-40, 48-51, 59-62, and 97-106 were rejected under 35 U.S.C. §112, second paragraph; Claims 37-39, 48-50, 59-61, and 97-106 were rejected under 35 U.S.C. §102(b) as anticipated by Griebenow et al. (U.S. Patent No. 5,850,520, hereinafter Griebenow); and Claims 40, 51, and 62 were rejected under 35 U.S.C. §103(a) as unpatentable over Griebenow in view of Logan et al. (U.S. Patent No. 5,721,827, hereinafter Logan).

Applicant respectfully submits that the present amendment overcomes the rejections under 35 U.S.C. §112, first and second paragraphs. The language "self-distributed" is removed from the claims. The amended independent claims recite "user content data transmitted therefrom." This is supported by Figs. 2, 3, and 4 of the present application. Particularly, the Office is referred to the "upload" icon 27 in Applicants' Fig. 4. Furthermore, the independent claims are amended to clarify the transmission of the predetermined information. Furthermore, the breadth of "separate" should not be the basis of a rejection under 35 U.S.C. §112, second paragraph. MPEP §2173.04 states that breadth is not indefiniteness.

Accordingly, the rejections under 35 U.S.C. §112, first and second paragraphs, is believed to have been overcome.

With respect to the rejection of Claim 37 as anticipated over Griebenow, Applicants respectfully submit that the present amendment overcomes this ground of rejection. Amended Claim 37 recites, *inter alia*,

means for changing the information defining genre of the user content data transmitted by the personal computer to a different genre by providing the personal computer with a graphical user interface after receiving the predetermined information.

Griebenow does not disclose or suggest every element of amended Claim 37.

When rejecting Claim 37, pages 3 of the Office Action refers to col. 7, lines 33-36 of Griebenow, and takes the position that a consumer ordering an electronic publication pertaining to a subject other than bicycling equates to changing information defining genre. However, amended Claim 37 does not merely requiring changing a genre. Claim 37 particularly describes changing the information defining genre of ***the user content data transmitted by the personal computer***. In Griebenow, the electronic publication is not user content data transmitted by the consumer ordering the electronic publication. On the contrary, the electronic publication is content data ***received*** by the consumer placing the order. In Griebenow, the consumer never changes the genre of content data that the consumer transmitted.

Based on the interpretation that Office is applying to Griebenow at page 3 of the Office Action, the publisher's computer transmits content data (electronic publication). However, there is no disclosure or suggestion in Griebenow that the publisher's computer changes the information defining genre of the content data (electronic publication) transmitted by the publisher's computer.

Moreover, there is no disclosure or suggestion in Griebenow of providing the publisher's computer with a graphical user interface that is used to change the genre.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 37 (and any claims dependent thereon) patentably distinguish over Griebenow. Claims 48, 59, and 97 recite elements analogous to those of Claim 37. Thus, Claims 48, 59, and 97 (and any claims dependent thereon) patentably distinguish over Griebenow for at least the reasons stated for Claim 37.

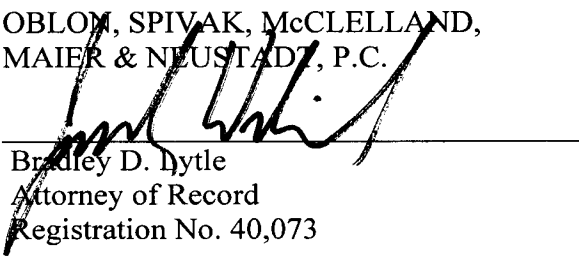
Moreover, Claims 99-102 further patentably distinguish over Griebenow. It is noted that the outstanding Office Action fails to specifically address the elements of Claims 99-102. This is in violation of 37 CFR §1.104(b), which requires that examiner's action be complete as to all matters. Thus, the Office Action is deficient and must be withdrawn.

Page 3 of the Office Action equates the claimed "predetermined information" as being the bicycling at col. 7, lines 39-41 of Griebenow. However, there is no disclosure or suggestion of this section of Griebenow (or elsewhere) of "the predetermined information includes data, provided by the personal computer, that indicates whether the commercial will be reproduced in conjunction with the reproduction of the user content data," as recited in Claim 99-102. Thus, Claims 99-102 further patentably distinguish over Griebenow.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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